

FILED

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA 08 JAN 16 AM 10:17

UNITED STATES OF AMERICA,)
Plaintiff,)
v.)
Gabriel CASTRO)
Defendant.)

)

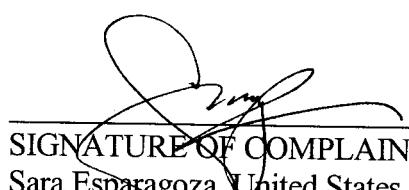
Magistrate Case No. **'08 MJ 0115***AM* DEPUTYCOMPLAINT FOR VIOLATION OF

Title 8, U.S.C., Section
1324(a)(2)(B)(iii)-
Bringing in Illegal Alien(s)
Without Presentation

The undersigned complainant being duly sworn states:

On or about **January 15, 2008**, at the **San Ysidro Port of Entry**, within the Southern District of California, defendant **Gabriel CASTRO**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that an alien, namely, **A.G.R.**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said alien, and upon arrival did not bring and present said alien immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT
Sara Esparagoza, United States Customs
and Border Protection Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 16th DAY OF January, 2008.



John H. Thomas
UNITED STATES MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

The complainant states that **A.G.R.** is a citizen of a country other than the United States; that said alien has admitted he is deportable; that his testimony is material; that it is impracticable to secure his attendance at trial by subpoena; and that he is a material witness in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On January 15, 2008 at approximately 2:45 PM, **Gabriel CASTRO**, the Defendant, made application for admission to the United States from Mexico at the San Ysidro Port of Entry via vehicle primary. Defendant was the driver of a 2008 Volkswagen Jetta. Defendant declared United States citizenship and presented his valid Deputy Sheriff Detentions identification card to a Customs and Border Protection (CBP) Officer. Upon a cursory inspection of the trunk, the CBP Officer noticed a space discrepancy. The CBP Officer pulled on a wood panel which revealed a body. Defendant was escorted to secondary and the vehicle was driven into secondary.

During the secondary inspection, a minor male was removed from the modified compartment in the trunk of the vehicle. The male was determined to be a citizen of Mexico with no legal entitlements to enter the United States and is now identified as **A.G.R. (Material Witness)**.

At approximately 4:22 PM Defendant was escorted from a holding cell to interview room 1. Defendant was advised of his Miranda Rights and chose to waive his right to counsel. Defendant gave the following statement: Defendant admitted knowledge of the concealed male inside the vehicle. Defendant admitted he built the compartment in his vehicle, picked up the minor male in Tijuana, and placed him inside the compartment. Defendant stated he asked for and received \$2,500 as a smuggling fee. A sum of \$2,460 was found in Defendants back pack. Defendant stated after he crossed the border he was going to call a phone number he was given to receive further instructions.

A.G.R. made the following statements during a videotaped interview: Material Witness admitted being a citizen of Mexico with no legal documents to enter into the United States. Material Witness identified Defendant in a photo line-up as the person that picked him up, put him in the compartment, and as the driver of the vehicle. Material Witness stated he was going to San Diego to work. Material Witness stated his family was going to pay an unknown amount for him to be smuggled into the United States.